

THE WAR CRIMES TRIAL OF GEORGE W. BUSH
PUPPET PRESIDENT OF THE UNITED STATES

written and compiled by David Koester

Characters (in order of appearance) – puppet performing:

John Ashcroft - Blockbottom

George W. Bush, puppet president of the United States - Styro

Alberto Gonzales – Globus

Voice off stage

Ali Shalal Abbas - Drifter

Fatima Bekter – Potatus

Bailiff - Uncanny

Prosecutor - Leatherleg

Judge – Jötunn

Defense Attorney - Bulby

Scott Ritter - Blockbottom

Mustafa al Mosul – Klaki

Fadhil al Bedrani – Faux-me

Anthony Lagouranis - Globus

Yusef Abu Nadir - Blockbottom

Angel Ingham (Amnesty International) – Potatus

Col. Lawrence Wilkerson - Blockbottom

Dick Cheney - Globus

Opening scene I: GRAVE BREACHES

West Wing Conference and Prayer Room

Scene 1a - Active Puppets: G. W. Bush, Alberto Gonzales, John Ashcroft; Non-active: Voice off stage

JA: Hi George, how was your vacation?

GWB: Too short, too short, Ashboy! And of course they kept calling me about the budget and I can't believe how uptight everyone is about the cost of oil. Well, at least I did that 60 mile bike ride I've been working toward and had my best game of golf in years.

AG: Hey congrats on that. I've been getting out for more golf lately and my game improved a lot this fall too. In fact, I was thinking about this war crimes meeting just day before yesterday when I was out at Willow Springs. Legally speaking, what we need to think about are violations of the Geneva Conventions that are

labeled as “grave breaches.” Those are covered under the US War Crimes Act and can be prosecuted. We don’t really have to worry about other violations of the Geneva Conventions.

GWB: Why not, Al?

AG: Breaking them is not a violation of US law.

GWB: Right on. [Right arm makes a downward striking motion].

JA: Yeah, they might try to make this into an international thing, but know what? I won’t extradite you.

GWB: You’re a good man, Ashboy. [Turning toward AG] Okay, so what are these grave beaches, anyway.

AG: I’ll read ‘em. The first few we’re pretty safe. Protocol I, Article 85, Section 3 prohibits, quote, “making a person the object of attack in the knowledge that he is hors de combat”¹

GWB: [Throwing arms up in the air] What the heck does that mean?

AG: It’s French.

GWB: Figures.

AG: It means not in combat. Not a problem because we define what and where combat is.

GWB: Great

AG: There are a bunch about doing biological experiments. Convention I, Article 12 and Article 50 prohibit Biological experiments on the wounded and sick ² and also against prisoners of war³ and civilians.⁴ We’re not doing any of that...yet.

¹ Protocol I, Art. 85, Sec. 3

² Convention I, Art. 12; Convention I, Art. 50

³ Convention III, Art. 130

⁴ Convention IV, Art. 147

GWB: Wasn't there some nutcase in the Pentagon who was worried about using IUDs as a kind of biological experiment.

AG: You mean DU, depleted uranium.

GWB: Yeah, whatever,

JA: We don't have to worry about that because they can't claim we're just using it on the enemy. It affects our troops too; so we're safe on that score.

GWB: You're a good man, Ashboy.

AG: I'll go on. So, then you can be prosecuted under *Convention III, Art. 130* for ...

GWB: Hey Al, could we cut with all the convention numbers, this isn't a trial, you know. And, what do you mean, "I" could be prosecuted. It's not like *I* thought this whole thing up.

AG: Yes, yes, of course. When I say "you" I mean you and Dick, Don, and Condie, and Wolfowitz for that matter. At Nuremberg, the Tribunal used the Nazi party program of 1920 as evidence. You know that, uh, "Project for the New American Century"? It could be used in the same way.

GWB: Hey, right, that was Wolfowitz and Rumsfeld, and those guys, not me. That would be a defense for me, right?

AG: Uh, yeah, sure, maybe. Okay. Let's go on. The next one is, "*Compelling a prisoner of war to serve in our military forces.*"⁵ We're safe there. We wouldn't trust them enough to use them.

Now the next one is where we might run into some issues. Convention III--, oops sorry. : "Any unlawful act which causes death or seriously endangers the health of a prisoner of war."⁶

GWB: I thought we got around that by calling them "enemies of combatants."

⁵ Convention III, Art. 130

⁶ Convention III, Art. 13

AG: You mean “enemy combatants.” But that doesn’t apply to IRAQi soldiers.

GWB: Why, [scratching his head] aren’t they enemy combatants too?

AG: Yeah, but look, trust me, we don’t want to get into the definition of that term in a trial. Just trust me on that.

Next, there’s a prohibition on <quote> “Unlawful transfer, deportation or confinement of civilians, willful killing, hostage taking and torture .”⁷ <en quote>

Let’s, uh, skip that one for now and come back to it...

The next one we don’t have to worry about. It’s about “Attacking cultural objects when they’re not located near a military target or used for the war effort.”⁸ It is a violation not to have protected the Baghdad museum, but that’s not a grave breach, so no real problem there.

Okay, we need to think about this one, “Depriving civilians who are under the control of an enemy power of the right to a fair trial”⁹. Even our base could give us trouble about that. And, same with, “Depriving combatants, prisoners of war, refugees, or medical or religious personnel of a fair trial.”¹⁰

GWB: And you’re sure they won’t try to get us on the minor stuff. Remember that munitions guy who was all hot about white phosphorus and Geneva.

AG: Forget him. Even if our guys admit to using it; it’s not a grave breach to use illegal weapons.

Voice from outside the room (all puppets turn around): Excuse me Mr. President, you have a call from Vance Coffman again. He said that there’s another Blackhawk down in Iraq and he thinks it’s good timing today for that Lockheed-Martin helicopter requisition.

⁷ Protocol IV, Art. 147

⁸ Protocol I, Art. 85, Sec. 4D

⁹ Convention IV, Art. 147

¹⁰ Protocol I, Art. 85

GWB: Okay, okay, I'll take it. (Turning to AG and JA). Thanks guys for the update, you're doing a great job. Let me know if you need any more direction, I'm always ready to help you out. (AG and JA watch GWB leave; they turn and look at each other and then exit).

Scene II: GETTING READY TO TRAVEL TO THE TRIAL

An Apartment in the Al-Amiriyah district of Baghdad

Scene 2 - Active: Ali Shalal Abbas and Fatima Bekter

Fatima: C'mon Ali, it's time to move. We need to be in line at the checkpoint by 2 pm.
Our flight leaves at 8:30!

Ali: Okay, okay, I just have to make sure I have everything.

Fatima: What's there to bring. Bring enough clothes and bring your brain. What you need is what you remember, what you know.

Ali: I know, truth is, I've been feeling distracted, wondering if my brain is going to be all there when the time comes. It's hard to think about these things. You're trapped. On the one hand the only hope for making the perpetrators pay the consequences is for all of us to make the testimony clear and powerful. But then, just checking on my memory to see that it's all still there is painful.

Fatima: It'll be there, don't worry

Scene III: Trial Opening and War of Aggression

[Scene opens with Bailiff and Prosecutor off to the side]

3a – Active: Bailiff, Prosecutor

Bailiff: So how did you get George W. Bush to agree to stand trial. Couldn't he have just claimed executive privilege and blown you off?

Prosecutor: Ahh...that's the beauty of this. He's just a puppet, those of us in the theater control what he does. If we say he has to be on trial, he shows up.

Bailiff: Duh, of course. Sorry I asked. Sometimes you live in this little world of ours and you start to think it's real.

Judge makes noise in the background as Bailiff finishes talking.

Bailiff: [*steps forward*] All rise for the Judge! [*steps back*]

3b – Active: Judge, GWB, Bailiff, Prosecutor; Non-active: Defense attorney

Judge enters and moves behind the bench

Judge: Please be seated. The criminal trial of George W. Bush, puppet president of the United States will now begin. Will the defendant please take his seat.

[Bush enters accompanied by the Defense attorney and moves to take his seat.]

Will the bailiff please read the charges.

[The bailiff steps forward.]

Bailiff: On March 19, 2003 the United States of America began an air attack on the sovereign state of Iraq. This was followed by an invasion by US troops, with the assistance of a few thousands troops from other countries and then an occupation of the country after the overthrow of the Iraqi government. George W. Bush as President of the United States and Commander in Chief of US Armed Forces was responsible for ordering the invasion and for the conduct of the military campaign and occupation. He is accused of starting an illegal war, a war of aggression in violation of the UN Charter. He is accused, in this trial of 3 grave breaches of the Geneva Conventions and Protocols each of which carries a maximum penalty of death under U.S. War Crimes Act. The first charge to be considered is INITIATING A WAR OF AGGRESSION. [*steps back*]

Prosecutor: Your honor. On October 1, 1946 the famous concluding statement of the Tribunal at Nuremberg made it clear that to enter into a war of aggression is the worst of

international crimes and of crimes against humanity. War, they said, is <quote>
“essentially an evil thing. Its consequences are not confined to the belligerent
states alone, but affect the whole world. To initiate a war of aggression, therefore,
is not only an international crime, it is the supreme international crime differing
only from other war crimes in that it contains within itself the accumulated evil of
the whole.” <en quote>¹¹

We will now present to you the case that President George Bush (in conspiracy
with members of his staff and cabinet, to be tried later) ordered and oversaw a war
of aggression, committing Crimes against Peace which led to War Crimes and
Crimes against Humanity as defined in the charter of the Military Tribunal in
Nuremberg and subsequent international agreements.¹² The aim was to displace
the regime of a brutal dictator. But, in the same way that it is illegal to steal from
or murder a known criminal, it is illegal to wage war to change a bad government.
I would like to begin by presenting in evidence George Bush’s speech of March
16, 2003. In this speech he issued an ultimatum to Saddam Hussein that he leave
Iraq or face military action. We now know that the United Arab Emirates was
very close to working out a deal to bring Saddam Hussein out.¹³ Iraq had
complied with UN disarmament resolutions. Yet President Bush would not listen
to such diplomacy. War was his answer and war is the crime for which he must
pay.

Judge: Mr. Bush, do you have any comments to make in your defense?

GWB: [*Bush stands*] 9/11. Remember 9/11. After that we had a war on terrorism.
[*Raising one arm*] I had to fight the war on terrorism. Weapons of mass

¹¹ Nuremberg International Military Tribunal, October 1, 1946.

¹² Tribunal, Secretariat of the. "Trial of the Major War Criminals." Ed. International Military Tribunal: Secretariat of the Tribunal, 1947. Vol. 1., p. 29.

¹³ <http://edition.cnn.com/2005/WORLD/meast/11/02/saddam.exile/>

destruction are dangerous. That's why we had to go after Iraq. We had to liberate Iraq. Freedom. 9/11. [*Bush returns to his seat*]

3c – Active: Judge, Defense attorney, Prosecutor, Scott Ritter; Non-active: GWB, Bailiff

Judge: Thank you Mr. Bush. Prosecutor, you may continue.

Prosecutor: Under international law, countries are allowed to wage war in order to defend themselves. The first question to be considered is whether the United States was threatened by Iraq. President Bush, and others of his administration, claimed that Iraq had weapons of mass destruction. It is hard to understand how, even if Iraq had such weapons, they would have posed a threat to the United States. Iraq had no means to deliver such weapons intercontinentally. Nevertheless, we should consider this claim because, although it was the Bush regime's key justification of the war, it turned out to be false. I would like to call the first witness, former weapons inspector, Scott Ritter. [*Scott Ritter takes the witness stand*] What do you think of the argument that going into March of 2003, everybody thought there were weapons of mass destruction in Iraq? The Democrats, according to this viewpoint, had little choice but to support the war because of bad intelligence. Journalists had nothing to report but that everybody thought Iraq had weapons of mass destruction. What's your response to that?

S.R.: That's an absurdity. I mean, first of all, the senior elements in the Bush administration knew that they were hyping the case for war, that they had no hard intelligence that Iraq had weapons of mass destruction. In fact, anybody with access to the significant amount of intelligence data in the possession of the United States would know that the data pointed to Iraq being disarmed, that there really wasn't anything to be worried about in the form of weapons of mass destruction in Iraq. This is reflected in statements made by Condoleezza Rice and Colin Powell

pre-September 11th, 2001, when they said that Iraq is contained, they don't have any capabilities, and we don't need to be panicked by this. The Democrats who sat, Democrats and Republicans alike, who sat in Congress, both in the Senate and the House of Representatives, who had oversight responsibilities were fully aware that the intelligence pointed to an Iraq that had been disarmed as opposed to an Iraq that possessed weapons of mass destruction. And the media, likewise, knew that whatever sources they were using to bolster any case they were trumpeting regarding an Iraqi threat were weak sources. We see with the debacle of Judith Miller of the New York Times, that this is a reporter who overstepped her bounds, falsified reports, misrepresented data. And her editors and publishers were fully aware of the fact that what she was doing violated every journalistic standard. So I just think its wrong in the extreme to say that everybody thought these weapons existed. The ignorant public of the United States may have thought so; they were only gaining access to what politicians and inefficient media outlets were telling them. But when it comes to decision makers and those who shaped the public perception, i.e., the media, no, I would say that they knew the exact opposite, that this is a war that was hyped up by people because they didn't have the courage to stand up in a post-911 environment and take on an administration that was headed towards confrontation, not only with those who perpetrated the events of September 11th, but anybody they had in their gun sights, including Iraq.¹⁴

Judge: The defense may now question the witness

Defense attorney: [*walks to center stage, then begins speaking*] A brutal dictator was toppled and we're bringing democracy to Iraq. What's your response to that?

S.R.: Well it's curious that we suddenly went to war to depose a brutal dictator. That wasn't the case being made. We went to war to get rid of weapons of mass

¹⁴ http://www.uruknet.info/?p=m18231&date=28-nov-2005_06:59_ECT

destruction that *supposedly* posed a threat to the security of the United States. We didn't go to war to get rid of a brutal dictator, especially one that in the 1980's we called a true friend of the United States, somebody whom we recognized as a secular leader, yes a dictator, but a secular leader who represented a bulwark against the expansion of Islamic fundamentalism coming out of Iran. This is basically those who got caught out on their hyped up case for war about WMD trying to re-create a new justification. And again, the justification fails on all levels, not just in terms of the notion of this brutal dictator. Do you think Iraq is better off today under a brutal American occupation than it was under a brutal dictatorship of Saddam Hussein? We fail on every benchmark. More Iraqis are being killed, there's less electricity, there's less fresh water.

Defense attorney: Well, Mr. Ritter. You can bet that the Iraqi people are glad to be rid of Saddam Hussein. People voted and WE established a government and a constitution. And that is thanks to the defendant. No more questions. [*returns to his seat*]
[*Scott Ritter goes off*]

3d – Active: Judge, GWB, Defense attorney, Prosecutor, Mustafa al Mosul; Non-active: Bailiff

Judge: The prosecution may call the next witness.

Prosecutor: Thank you, your honor. The next aspect of the charge has to do with the claim that the Bush government sought to liberate Iraq. The question is whether the people of Iraq have been liberated by the US-led war. I would like to call Mustafa al Mosul.

Mustafa al Mosul goes to the witness stand.

Prosecutor: Mr. al Mosul, the accused has argued that his intention was to free the people of Iraq. Have the people of Iraq experienced liberation as a result of the war?

Mustafa al Mosul: We always have thought that you Americans are citizens; away from the savageness which controls many people in the world because you suffered from the injustice of your own occupation more than two hundred and fifty years ago. Therefore, you picked up weapons against the occupiers until you forced him to go out of your state which was a great victory for you. Naturally, this occupier was giving unreasonable justifications for his stay in your country. Like any occupation, no country ever admit[s] that they occupy some land but always says that they are a liberator of the people....

Such reasons cannot change the origin of occupation. Nowadays, your army is occupying our homeland, destroying our homes and killing our men, women, and our children. The occupation is leaving this country full of chaos to the point we are now facing so many disasters, including suffering from looting and robbery. Sudden attacks and cruel murders have been perpetrated by your army who then prevent all people from submitting judicial complaints. This encourages all soldiers to kill thoughtlessly without any threat of trial.

We have seen our Holy Quran desecrated by soldiers, but you continue to say your soldiers do not do what the Mogul and Barbarians did in the lands they occupied. Your soldiers did many immoral acts but your government leaders have done even more.¹⁵

Judge: Thank you Mr. al Mosul, you may go.

[al Mosul goes off]

Mr. Bush, would you like to make a statement at this time.

GWB: I've said this before to the Iraqi people, "You're free, and freedom is beautiful and, aah, you know, it'll take time to restore chaos and order – uh, order out of

¹⁵ Invented name, from anonymous letter from an Iraqi citizen to Dahr Jamail:
http://dahrjamiliraq.com/weblog/archives/2005_06_26.php

chaos. But we will.”¹⁶ [*as defense attorney begins to speak, GWB turns toward him*]

Defense attorney: Thank you your honor, that’s all we have to say at this time. [*both return to their seats*]

Scene 3e: Active: Bailiff, Defense attorney, Prosecutor, Fadhil al Bedrani, GWB; NA: Judge

Bailiff: The next charge is targeting the civilian population of Iraq and civilian infrastructure by intentionally directing attacks upon civilians and hospitals, medical centers, residential neighborhoods, electricity stations, and water purification facilities. This is a grave breach.

Prosecutor: The Prosecution would like to call Fadhil al Bedrani.

[*F alB walks to the stand.*]

Prosecutor: Mr. Bedrani, could you please describe your knowledge of attacks by U.S. forces against civilians in Iraq.

Fadhil Al Bedrani: I am speaking as a journalist for al Jazeera and as a person from Falluja. I am an eyewitness of the two strikes against Falluja in April and November 2004. In the first massacre 518 civilians were killed; among them, according to Dr Ahmed Hardan of the Falluja General Hospital, were 216 children who were killed either by the Americans or because of the lack of food and drinking water while the town was under siege. The first massacre began on April 4th 2004 till May 1st. I could never forget the killing of 25 members of two families gathered in one house in Goulam area; this crime happened on April 11 2004.

...The second massacre began on November 1st, not on Nov 8th as the Americans said. Their pretext was the Allawi Cabinet asked their help. Days before the strike, flyers were distributed asking the people to stay at homes otherwise they would

¹⁶ Speaking to reporters at the White House, April 13, 2003.

face danger. 150,000 from 600,000 stayed in the town. Those who stayed were surprised when the bombing targeted the houses first. I saw the women, children and elderly people were running in fear of bombing here and there.

On Nov 15th, in Goulam area, 20-25 persons were running barefooted when an American warplane bombed killing and wounding them; only one elderly woman and 2 children stayed safe when they did hide themselves under rubble of a bombed house. The dead bodies were left in the street for 20 days; because of the lack of the first aid, most wounded died.

GWB: It was a war zone; people get hurt in war.

Judge: [Turns to Bush] Mr. Bush, you will have your opportunity to speak. [Turns to Bedrani] You may continue Mr. Bedrani.

Fadhil al Bedrani: The American forces considered the whole Falluja as a military target without taking in the consideration the humanitarian issues; they destroyed the town 100%; they destroyed the houses and infrastructures.

I think that everyone remembers the TV images of killing an unarmed wounded young man; that was on Nov 14th, in Hussein Shalash mosque in Al Shuhada area, south Falluja. Maybe nobody knows that the same American soldier with the same gun killed three others.

On Nov 25th, 15 American soldiers attacked a house at Bathara area, central Falluja, three civilian men were there; one was handicapped, the second 61 years old and the third was 52 years old. The only one who stayed alive said, "When the Americans entered the house they saw that we were sitting unarmed; 14 left and the last one threw us a grenade saying -bye-. Two were seriously wounded, I with my slight wounds tried to help them but after a while they were back; I pretended to be dead while the other two were suffering. They put a bullet in every head and left.

Whatever; the stories need volumes to be said; but what I want to add is the doctors and the staff of the Falluja hospital were detained on Nov 15th; the warplanes bombed the alternative hospital in downtown...; bombed the medicines warehouses in Nazzal area; killed 4 doctors, 8 medical workers.

According to ... the Association of the Moslem Scholars: 3500 civilians were killed, 7000 were wounded, and 1200 were arrested.

GWB: I find that hard to believe.

Judge: The defendant will remain silent while others are testifying.

Fadhil al Bedrani: 45 days after the massacre, the people began returning; (the) civil society organizations arranged an accurate body counting according to the sources of the hospital, mosques and official offices; the killed were 4000, wounded 7000. Before ending my testimony, I should speak about an old woman, 71 years old, who died because of lack of her medicine; even before her martyrdom she asked me to take her condition to the Iraqi ministry of health and international organizations because she could not find her medicines when Falluja [was] under siege. Also allow me to mention Awwad Mohammed Al Dulaimi who lost his whole family, first wife, 5 sons, 2 daughters, a daughter in law and 2 grandchildren 6 months and 5 years old. His second wife is still surviving but blind and he had a heart attack. This happened on October 2nd 2004.¹⁷

Prosecutor: Thank you Mr. Bedrani

Judge: The defense may now question the witness.

Defense attorney: (Lifts head). No questions, your honor.

Judge: Thank you Mr. Bedrani, you can go now.

¹⁷ Testimony at: <http://www.worldtribunal.org/main/?b=21#>.

Scene IV. Illegal Detentions, Abuse of Prisoners, Abuse of Citizens

Scene 4a – Active: Judge, GWB, Defense attorney, Bailiff, Prosecutor, Ali Shalal Abbas

Judge: Would the Bailiff please read the next charge

Bailiff: The next charge to be considered is that of ILLEGAL DETENTION AND ABUSE OF A CITIZEN – This constitutes a grave breach and is punishable under the US War Crimes Act. The conventions specifically prohibit depriving civilians who are under the control of an enemy power of the right to a fair trial.¹⁸ The court reminds the litigants that grave breaches of the Geneva Conventions are capital offenses under the U.S. War Crimes Act. President Bush is accused of allowing detentions of prisoners in violation of the Geneva Conventions, the U.S. Constitution and International human rights standards. He is charged with 70,000 counts of illegal detention (including 520 in Guantanamo Bay Cuba, over 2,000 in Afghanistan and hundreds in secret detention centers in Poland, Romania and elsewhere. He is also charged with the abuse, mistreatment and torture of prisoners by troops under his command.

Prosecutor: The first witness we would like to call is Ali Shalal Abbas.

[Abbas goes to the witness stand]

Mr. Abbas, could you please state your name and tell us where you live.

Ali Shalal Abbas: My name is Ali Shalal Abbas and I live in the Al-Amiriyah district of Baghdad.

Prosecutor: Could you please tell us about your encounter with US military forces.

Ali Shalal Abbas: Very many of my neighbors were taken away during US home raids. My friends urged me to go to the US base nearby. “Find out what is happening,” they

¹⁸ Convention IV, Art. 147.

said. I worked for civil administration, it was my duty to go. I went three times to get answers. Why were so many innocent people were being taken?

Then the fourth time they would not let me go. They did not tell me that I was being charged with any crime. That was September 13th, 2003. Within two days they took me from the military base to Abu Ghraib, where they kept me for over three months.

The minute I got there, the suffering began. I asked the guard for water. He said, “after the investigation”. He accused me of many, many things and asked me so many questions. He said I hated Christians.

GWB: Yeah, and he’s probably right.

Judge: Mr. Bush, silence.

Ali Shalal Abbas: They forced me to strip naked shortly after I arrived, and I had to stay that way for most of the time I was in the prison. My hands were enlarged because there was no blood because they cuffed them so tight. My head was covered with a sack, and they fastened my right hand to a pole with handcuffs. They made me stand on my toes to clip me to it.

The soldiers poured cold water on me while holding me under a fan, and often they put on a loudspeaker, put the speakers up to my ears and shouted obscenities. They held a loaded gun to my head to force me not to cry out in pain as they tightened my hand-ties.

For long periods of time they provided no food or even water. I think this is what happened to everyone.

Two men came, one a foreigner and one a translator. He asked me who I was. I said I’m a human being. They told me, ‘We are going to cut your head off and send you to hell, we will take you to Guantanamo.’”

A female soldier told me, “Our aim is to put you in hell so you will tell the truth.

These are our orders, to turn your lives into hell.”

GWB: She shouldn't 'a said that.

[Puppets all turn to look at Bush, then turn back.]

Ali Shalal Abbas: One day, one of the guards said it was time for “celebrations.”

He made some of the prisoners strip naked and threw cold water on them and

made them run and smash their faces against the walls while he was whistling.

They put us on top of each other while we were naked. They made us lay on top of each other naked as if it was sex, and beat us with a broom.

A female guard told us that the penis of a dog was longer than ours, and for me and several others she made us strip naked. She tied our hands tightly behind our backs, threw us on the ground, and made us say, ‘I am a donkey’ over and over while we were forced to lick the ground.

They threw our food in the trash in front of us and beat us on our genitals. “They shit on us, used dogs against us, used electricity and starved us.

They shaved my head in strips like an Indian. They cut my mustache, put a plate in my hand, and made me go beg from the prisoners, as if I was a beggar.

They did not give me food on the first day of Eid, the breaking of the fast of Ramadan, which is haram (forbidden).

Another prisoner told me that one day a female soldier stripped naked and other soldiers held his eyes open to make him look at her. Sometimes at night when he would read his Koran, he had to hold it in the hallway for light. “Soldiers would walk by and kick the Holy Koran, and sometimes they would try to piss on it or wipe shit on it.”

Every one of the troops in Abu Ghraib was responsible for this, it was organized, it wasn't just individuals.

Prosecutor: No more questions.

Judge: The defense may now question the witness

Defense: Is it not true that your life is, in fact, better now that Saddam Hussein is no longer ruling Iraq.

Ali Shalal Abbas: Saddam Hussein was a cruel enemy to us. Being killed by him though, would have been better than being alive with the Americans. After this journey of torture and suffering, what else can I think?

Saddam Hussein used to have people like those who tortured us. Why do they put Saddam into trial, but they do not put the Americans to trial. I have full confidence that Saddam used to do these things, because he is a stupid student. But the Americans are the teachers.¹⁹

Defense: The defense would like to state that the world is better off without Saddam Hussein today and that the Iraqi people are as well, even if they do not know it.

Excuse me for a second. [*turns to consult with Bush; then turns to the court*] And besides, the defense would like to add that the evidence is not credible. They're making up lies about abuse to recruit more terrorists.

Judge: Thank you Mr. Abbas, you may go.

[*Abbas goes off*]

Scene 4b – Active: Judge, GWB, Defense attorney, Prosecutor, Anthony Lagouranis

Judge: Prosecutor, you may continue.

Prosecutor: The prosecution would like to call Anthony Lagouranis. [*T L walks to the witness area.*] Mr. Lagouranis, how long were you in the Army and what was your position?

Lagouranis: I was in the army from 2001 to 2005. I worked as an interrogator.

Prosecutor: How much time did you spend in Iraq?

¹⁹ Dahr Jamail testimony at the World Tribunal on Iraq, June 25, 2005.

Lagouranis: One year, from January 2004 to January 2005.

Prosecutor: Did you see evidence of prisoner abuse or torture in Iraq that caused severe bodily harm?

Lagouranis: Well, I never saw too much with the interrogators who were actually professional interrogators: they used dogs, stress positions, hypothermia. Which ended up not really causing severe bodily harm, anyway, to the prisoner. The worst stuff I saw was from the detaining units who would torture people in their homes. They were using things like ... burns. They would smash people's feet with the back of an axe-head. They would break bones, ribs, you know. That was serious stuff.²⁰

Prosecutor: Were you engaged in abuse?

Lagouranis: Well, in Mosul, I was using dogs and hypothermia, I was using sleep deprivation, isolation, dietary manipulation; you know, that's all abuse, according to the army field manual, the army doctrine and certainly according to the Geneva Conventions.²¹

Prosecutor: Why did you slip beyond what was permitted in the Army field manual? Was there some reason that you and others diverged into abusive techniques?

Lagouranis: Part of it is, they were trying to get information, but part of it is also just pure sadism. You just kept wanting to push and push and push, and see how far you could go. And it seems like that's just part of human nature. I mean, I'm sure you've read studies conducted in American prisons where you put a group of people in charge of another group of people, and give them control over them, and pretty soon it turns into cruelty and torture, you know? So it's pretty common. And I saw it, [in] every detention facility I went to. If there wasn't really strong, strong leadership that said, "We're not going to tolerate abuse," ... in every facility

²⁰ PBS Frontline <http://www.pbs.org/wgbh/pages/frontline/torture/interviews/lagouranis.html#2>

²¹ Interview on Democracy Now! 15 November 2005.
<http://www.democracynow.org/index.pl?issue=20051115>

there would have been abuse. And even among people like the MPs who aren't trying to get intel -- they just do it because it's something people do there, if they're not controlled either inwardly or from above.²² ... You know part of the problem back then was that I was still under the impression that we were getting prisoners who had intel -- who had intel to give us, and you know, I still thought that these were bad guys. I was believing the intelligence reports that came in with the prisoner. I believed the detainee units, but later it became clear to me that they weren't -- they were picking up just farmers, you know, like these guys were totally innocent and that's why we weren't getting intel. And it just made what we were doing, like, seem even more cruel.

Prosecutor: Mr. Lagouranis, you may have some information also about civilian targets that would be of interest to this court. You were in Fallujah?

Lagouranis: Right.

Prosecutor: What were you doing there?

Lagouranis: My job in Fallujah was to go through the clothes and pockets of the dead bodies that we were picking up on the streets, and we would bring them back to a warehouse, and I would go through their pockets and try to identify them, and read whatever intel or anything that they had on them.

Prosecutor: Because you spoke Arabic?

Lagouranis: Right. Right. That's why I was sent there.

Prosecutor: How many dead bodies, corpses did you go through?

Lagouranis: 500.

Prosecutor: Can you talk about that experience?

Lagouranis: Sure. I mean, you know, obviously it was terrible, you know, like these bodies had been laying out in the street in the sun for days, for sometimes ten days before we

²² PBS Frontline, op. cit.

picked them up. They had been eaten by dogs and birds and maggots, and the Army thought -- actually, it wasn't the Army, it was the Department of Defense had sent this electronic equipment for us to use to like take the retinal scans and take their fingerprints, but it was just impossible because these guys -- they didn't have eyes anymore. They didn't have fingerprints anymore.

Prosecutor: What do you mean they didn't have eyes, they didn't have fingerprints, they were burned?

Lagouranis: Well, certainly, some of them were burned. I mean, some of them didn't have arms anymore or whatever, but I mean, they were just so rotten that their eyes were gone. They were just sockets with maggots.

Prosecutor: Who did you understand the people who were dead to be? Were any civilians among the dead?

Lagouranis: Well, a lot of them were certainly insurgents. You know, a lot of them had weapons. They had hand grenades, they had ammo vests, but a lot of them weren't, either. We had women and children, old men, young boys. So, you know, it's hard to say.

Prosecutor: Why were you collecting so much information from dead bodies?

Lagouranis: I think initially, the reason that we were doing this was they were trying to find foreign fighters. They were trying to prove that there were a lot of foreign fighters in Fallujah. So, mainly, that's what we were going for, but most of them really didn't have I.D.'s but maybe half of them had I.D.'s. Very few of them had foreign I.D.'s. There were people working with me who would -- in an effort to sort of cook the books, you know they would find a Koran on the guy and the Koran was printed in Algeria, and they would mark him down as an Algerian, or you know guys would come in with a black shirt and khaki pants and they would say, well,

this is the Hezbollah uniform and they would mark him down as a Lebanese, which was ridiculous, but -- you know.

Prosecutor: So, what did you say?

Lagouranis: Well, I was only a specialist, so actually, you know, I did say something to the staff sergeant, who was really in charge, and you know, I just got yelled down you know, shot down.

Prosecutor: What do you mean shot down?

Lagouranis: Well, he just told me, just put me in my place. He said, this is not for you to decide. I'm saying he's Lebanese, he's Lebanese. That's it.²³

Prosecutor: No more questions. Thank you Mr. Lagouranis.

Defense attorney: No questions, your honor.

Judge: Thank you Mr. Lagouranis, you may go.

[Lagouranis goes off]

Scene 4b(2) – in whispers

GWB: (whisper) Wow, that was bad. What're we going to do?

Defense attorney: Don't worry, we'll attack him in the press. Nobody will listen to him.

GWB: But what he was saying was bad. We've got to think of a way, like, we've got to think of something. (pauses, then as if listening) Oh, okay, Alberto covered this. I was starting to think we actually did something wrong.

Scene 4c – Active: Judge, Prosecutor, Yusef Abu Nadir; Non-Active: GWB, Def. attorney, Bailiff

Judge: Prosecution, you may call your next witness.

Prosecutor: I would like to call Yusef Abu Nadir.

[Nadir takes the stand]

How old are you Mr. Nadir?

Nadir: 20

²³ Democracy Now!, op. cit.

Prosecutor: Mr. Nadir, could you please describe for us what happened on the morning of December 10, 2003

Nadir: I was studying in the morning because I am a student. It was around 05.00. It was a Wednesday. There was a knock at my door so I answered it. American soldiers came in and took me outside and arrested me. They told me they were there for my father. They also arrested my brother and my father. I complained because my father is old and my brother is sick. My brother has many physical problems. My mother was crying."

Prosecutor: How did you come to have a broken lower jaw?

Nadir: After that, they tied my brother and father and my hands and took us to their quarters. There, they put bags on our heads and took us to a room which contains a vocal device (so big recorder) and rised its voice so loudly and started torturing us with many kinds of torture like stand and sit down, pour cold water on our bodies at night and beat us during the day and didn't give us food and even water except one time for two days. (The period of our torture).

During the time of torture, the bag was on my head, when one of the soldiers drew me till I came near the wall, then he kicked me a very strong kick on my face even my teeth were broken. Also my down jaw broke (several fractures). After I've injured, they took me to another room and told me to say that I've fallen down and no one beated me. Then they transferred me from Mosul to Baghdad without treatment of my wounds."

Prosecutor: An army investigator concluded that the detainee's jaw had been broken as the result of an "intentional act". A factor that contributed to the injury was a detention regime in the US facility where abuses were systematic – detainees were physically exercised to the point of exhaustion, subjected to sleep deprivation, physical assault, loud music blasted from metre-high loudspeakers, and hooding.

"There is evidence", the army investigator wrote, that military intelligence personnel and/or translators "engaged in physical torture of the detainees".²⁴

Thank you Mr. Nadir, that is all.

Judge: The defense may now question the witness.

Defense attorney: No questions.

Judge: Mr. Nadir, thank you. You may go.

[Nadir goes off]

Scene 4d – Active: Prosecutor, Angel Ingham, Defense attorney; Non-Active: Judge, GWB, Bailiff

Prosecutor: I would like next to read a statement by the Parliament of Europe, April 26, 2005

Conformity with international human rights and humanitarian law is not a weakness in the fight against terrorism but a weapon, ensuring the widest international support for actions and avoiding situations which could provoke misplaced sympathy for terrorists or their causes... [T]he Assembly considers that the US Government has betrayed its own highest principles in the zeal with which it has attempted to pursue the "war on terror". These errors have perhaps been most manifest in relation to Guantánamo Bay.

I would now like to call Angel Ingham of Amnesty International.²⁵

[Angel Ingham goes to the stand]

Ms. Ingham, could you please tell us the rules by which prisoners are to be treated when captured in military conflict.

AI: The international armed conflict in Afghanistan ended in June 2002.(28) When that armed conflict ended, those who were captured by the USA during hostilities(29) - and who the USA was obliged to treat as prisoners of war in the

²⁴ (94) Memorandum for Record. AR 15-6 investigation into the broken jaw injury of [redacted]. Department of the Army, Office of the Staff Judge Advocate, Mosul, Iraq, 31 December 2003.

²⁵ From Amnesty International report AMR 51/063/2005

absence of a determination "by a competent tribunal" that they were not(30) - were required to be released, unless charged with criminal offences.(31)

Civilians detained in that conflict were entitled to have their detention ("internment") reviewed "as soon as possible" by a "court or administrative board."(32) They too were required, when that conflict ended, to be released, unless charged with recognized criminal offences.(33)

Those detained later in Afghanistan, for reasons related to the subsequent non-international armed conflict there(34) and transferred to Guantánamo were required, as a minimum, to have their detention promptly, and thereafter periodically, reviewed.(35)

Those detained in countries outside of the zones of armed conflict and transferred to Guantánamo should always have been treated as criminal suspects, therefore subject to international human rights law, including the right to a prompt judicial review of the lawfulness of their detention and to release if that detention is deemed unlawful, and if prosecuted to be tried in proceedings which meet international standards of fairness (see below).(36)

Prosecutor: To what extent has the U. S. government complied with those provisions of international humanitarian law and international human rights law in determining the status of the Guantánamo detainees:

AI: None: [*raising arm as each point is enumerated*]

it has not treated those captured during the international armed conflict in Afghanistan initially as prisoners of war, pending determination of their status by a court;

it has not convened a court to determine whether or not persons captured during the international armed conflict in Afghanistan are entitled to prisoner of war status;

it has not reviewed promptly the detention of those captured during the subsequent non-international armed conflict in Afghanistan;

it has not brought the detention of civilians promptly under judicial review, tried or released them;

it did not, at the close of international hostilities, release the detainees captured during hostilities, with the exception of those against whom criminal procedures had been initiated – in fact, the USA initiated no such procedures.

More than 200 people have been released or transferred from the base, but the USA was expressly acting, in this as well as in other matters, in pursuit of its own perceived interests, rather than in compliance with its international legal obligations. In fact, the USA has denied having any such obligations regarding the detainees in Guantánamo.

For all of these reasons, Amnesty International believes that all those currently held in Guantánamo are arbitrarily and unlawfully detained.

Defense Attorney: The defense will argue that President Bush did not know of these international legal standards and that they should not apply to President Bush. How should a president know these obscure international laws.

AI: First, ignorance of the law is no excuse. One can never second guess what President Bush does not know. But there is no reason he should not have found out.

We at Amnesty International have continued to call on the USA to either:

Release and repatriate the Guantánamo detainees, subject to international law and standards;

or:

Prosecute those suspected of committing internationally recognizable criminal offences in proceedings that meet international standards of fairness, and which do not include the imposition of the death penalty.²⁶

Judge: Thank you Ms. Ingham, you may go.

[*AI goes off. The judge looks around at the audience.*]

Scene 5: The "Defense"

Active: Judge, GWB, Def. attorney, Bailiff, Prosecutor, Lawrence Wilkerson, Dick Cheney

Judge: I can see that the jury is getting tired. It is time that we begin to wrap this up. The defense may now begin and call the next witness.

Defense attorney: The defense would like to call former Chief of Staff for Colin Powell, Col. Lawrence Wilkerson.

GWB: (in a whispered voice) Hey wait. What do you think you're doing. That guy has made accusations against Dick and Rummy [*Wilkerson walks to the stand as Bush is talking*].

Defense attorney: Trust me; remember we're talking about capital offenses here. He may be your last hope. [*walks to center*]

GWB: [*reaching to earpiece*] (in a more desperate whisper, to no one) Damn it, it wasn't my idea. I can't DO anything about it. She's already called the witness.

Defense attorney: Colonel Wilkerson, you were associate director of policy planning at the Department of State, previously director of the U.S. Marine Corps War College, and you teach courses on national security at the College of William & Mary and at George Washington University, and specifically you were Colin Powell's chief of staff in the period leading up to the war, is that correct?

LW: Yes sir(/m'am), that is correct.

²⁶ *ibid.*

Defense attorney: Could you please explain who was responsible for the decisions that allowed for prisoner abuse?

GWB: (whispering) Damn it; I can't tell her to withdraw the question, she's my attorney. Stop yelling, you're hurting my ear.

LW: We had had an impassioned debate following the statutory process. And in that debate, two sides had participated: one that essentially wanted to do away with all restrictions and the other which said no, Geneva should prevail and the president walked right down the middle. He made a decision that Geneva would in fact govern all but al-Qaeda and al-Qaeda look-alike detainees. Any other prisoners of course would be governed by traditional methods, international law, Geneva and so forth.²⁷

Defense attorney: Who was calling for doing away with all the normal practices?

GWB: [*Raising his arm repeatedly to his ear. Moving agitatedly*] (whispering) Damnation, I said stop shouting. [*moving more agitatedly, a puppet's feet appear briefly above*] Damn, take this thing out of my ear.

LW: The man who has publicly lobbied the congress of the United States, advocating the use of terror. The vice president of the United States.²⁸

[*Bush jerks sharply and a puppet, Cheney, crashes to the stage with Bush's controller. Bush goes limp {a single line retains contact with Bush's head & controller so that he can be picked up and reanimated}*]

Judge: Could the defendant please remain quiet.

Bailiff: Uhh, your honor, the defendant has collapsed and Cheney's there now.

Judge: [*Turning to look at Bush and Cheney*] Oh, I see. Well, it makes no difference.

This is a puppet show and Bush is just a symbol of the administration that made

²⁷ BBC R4 Today program, interviewed by Carol Quinn. Transcript at http://news.bbc.co.uk/1/hi/world/middle_east/4481092.stm.

²⁸ *ibid.*

the case for and conducted the war. All of them Cheney, Donald Rumsfeld, Condoleeza Rice, Paul Wolfowitz, Paul Bremer; all of them are being tried equally.

GWB: [*raising his head*] (whispering) I told you Wilkerson was a bad idea.

Defense attorney: (whispering) How was I supposed to know that this was actually about doing justice; I thought it was just going to be a regular trial. (full voice) No more questions.

Judge: Does the prosecution have questions for the witness?

Prosecutor: Yes, your honor. [*turns to Wilkerson*] Col. Wilkerson, in your view, is Dick Cheney then guilty of a war crime?²⁹

LW: Well, that's an interesting question - it was certainly a domestic crime to advocate terror and I would suspect that it is - for whatever it's worth - an international crime as well.

Prosecutor: How is what Vice President Cheney was advocating a crime?

LW: If I'm a soldier in the field - I'm an NCO [non-commissioned officer] or I'm a private or a corporal - and I need to shoot even a detainee who might be threatening to kill one of my buddies or even me then I can do that.

It does not mean that I can go into a darkened cell with a detainee shackled with his hands above his head to the wall and beat him so that eventually he dies, and the army coroner declares it homicide, and two years later when the army quits obfuscating and throwing obstacles in the way of the investigations, people are actually punished for having murdered two individuals in Bagram, Afghanistan in December 2002.

²⁹ *ibid.*

And there were more than 70 such deaths - questionable deaths - of detainees under US supervision when I left the state department and I have people who are now telling me that the death toll was up to around 90.

Prosecutor: Finally, Col. Wilkerson, returning to the other charge before this court. You have said that you thought the war in Iraq was a mistake. Do you believe that it was a mistake in the sense of that the administration had been fooled by the evidence or that they knowingly acted in a way that you think was wrong.

LW: I have basically been supportive of the administration's point that it was simply fooled - that the intelligence community, including the UK, Germany, France, Jordan - other countries that confirmed what we had in our intelligence package, yet we were all just fooled.

Lately, I'm growing increasingly concerned because two things have just happened here that really make me wonder.

And the one is the questioning of Sheikh al-Libby where his confessions were obtained through interrogation techniques other than those authorised by Geneva. It led Colin Powell to say at the UN on 5 February 2003 that there were some pretty substantive contacts between al-Qaeda and Baghdad. And we now know that al-Libby's forced confession has been recanted and we know - we're pretty sure that it was invalid.

But more important than that, we know that there was a defence intelligence agency dissent on that testimony even before Colin Powell made his presentation. We never heard about that.

Follow that up with Curveball, and the fact that the Germans now say they told our CIA well before Colin Powell gave his presentation that Curveball - the source to the biological mobile laboratories - was lying and was not a trustworthy source. And then you begin to speculate, you begin to wonder was this intelligence spun;

was it politicised; was it cherry-picked; did in fact the American people get fooled
- I am beginning to have my concerns.³⁰

Prosecutor: Thank you Mr. Wilkerson. No more questions.

[Wilkerson goes off]

Scene 6: Figuring it Out

Active: All, Judge, Bailiff, Defense attorney, GWB, Cheney, Prosecutor

Judge: We have now heard all the arguments for the charges to be considered before this court, starting a war of aggression, attacking civilians, depriving prisoners of a fair trial, depriving civilians of a fair trial and abuse of detainees. Would the prosecutor like to make a closing statement.

Prosecutor: Your honor, members of the jury—we have heard today from witnesses who range from Iraqi citizens, to former U.S. military personnel to a military advisor who worked at the highest levels of national security strategy in the Bush administration’s bureaucracy. We have learned that the war was initiated when no threat was presented to the United States. The Bush government’s attempt to tie the war in Iraq to the attacks on the World Trade Center and Pentagon in September of 2001 would be laughable if the results weren’t so tragic. Under the banner of promoting democracy, the initiators of the war failed in their attempt to instill respect for their form of government. Not only did they not insist from the outset of the war that all military procedures would adhere scrupulously to international agreements, they allowed and even encouraged egregious violations. Citizens were illegally detained and both military and citizen detainees were abused, tortured and killed. Waging a war of aggression, attacking civilians and medical facilities, detaining civilians without cause and abusing and killing prisoners are all war crimes and crimes against humanity. The maximum penalty

³⁰ *ibid.*

for these crimes is death, but we seek life imprisonment with no possibility of parole.

Judge: Does the defense wish to make a statement?

Defense attorney: Your honor, uhmm, Mr. Cheney's unexpected appearance gives us, uh, the opportunity to present a, well, let's say, a more cogent defense, if you will allow him to testify on the defendant's behalf.

GWB: Hey, you should try him, not me anyway.

Cheney: Take it easy, George.

Judge: [*turns to the Defense attorney*] If that's what the defense wishes.

Cheney: [*steps forward*] Thank you your honor. It is a pleasure to be in the courtroom of such a brilliant legal professional such as yourself. As you know...

GWB: Okay, stop! Enough of this farce. The whole audience has heard the evidence, what are you going to do, make up more lies?

Cheney: I said, take it easy, George.

GWB: You take it easy! You're always saying, no one can be allowed to criticize a president at war.; so si'down Dick! and listen up. [*Cheney moves off to the side*] It's my turn. I am a Christian, I've heard what people have had to say and I now know what's right to do. The truth is that all of these guys, Wolfowitz, Rumsfeld and you too Dick wanted to go into Iraq not to save the Iraqi people but because of its strategic position. We wanted a place to put bases that was not Saudi Arabia. We wanted to secure Iraqi oil. But the real reason, besides being able to push our political agenda under the shield of being at war, the real reason was that we were under pressure to keep the war machine funded. It wasn't just Halliburton, though we did make sure that they got their share of the pie. Weapons manufacturers, military suppliers, military consultants, the Pentagon payroll needed to be fed. It's a hungry monster and the only way it could be fed sufficiently was if we raised the

specter of terrorists and WMDs. We went to war to feed the monster, and we were wrong; it must stop. My Christian faith saved me from the scourge of alcohol and I call on all Christians and those who believe in the message of the Prince of Peace to end our addiction to militarism and the scourge of military expansion and senseless war.

Prosecutor: (aside to the Bailiff) Did you hear what I just heard? It didn't even sound like Bush--almost poetic.

Judge: Do I understand that you are changing your plea?

GWB: Yes, your honor. I plead guilty and beg the court's mercy.

Judge: Very well. Sentencing will take place in two weeks time. We have just received an order that Mr. Cheney be placed under arrest. Bailiff please take him away.
This court is adjourned.

[All leave except the Defense attorney and the Prosecutor]

Prosecutor: This is hard to believe. It all happened so fast at the end. I never even believed all his rhetoric about being Christian.

Defense attorney: I'm actually not surprised by the ending. It just goes to prove that reality is often more fantastic than fiction.

Prosecutor: Do you think this is the beginning of the end for his so-called military 'monster'.

Defense attorney: Well, the message is out there. The hard work is just beginning. I need a drink, how about you?

Prosecutor: Okay let's head over to Chilkoot Charlie's.

Defense attorney: I'll follow you.

[they go off]